

DECISION



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**THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548**

FILE: B-213487

DATE: December 7, 1983

MATTER OF: Certified Electric, Inc.

DIGEST:

Where Small Business Administration refuses to issue a certificate of competency, GAO will not review this refusal unless the protester makes a prima facie showing of bad faith or demonstrates that information vital to the nonresponsibility determination was not considered.

Certified Electric, Inc. (Certified), protests the rejection of its bid by the Department of the Air Force under invitation for bids (IFB) No. F33601-83-B0078. Certified objects to the rejection of its bid based upon the Small Business Administration's (SBA) refusal to issue it a certificate of competency (COC).

We have been advised by the Air Force that the contracting officer initially determined Certified to be nonresponsible. Because of Certified's small business size status, the matter was referred to SBA for a determination as to whether a COC would be issued. The SBA refused to issue Certified a COC and, therefore, its bid was rejected.

Under 15 U.S.C. § 637(b)(7) (1982), the SBA has authority to conclusively determine the responsibility of small businesses by issuing or refusing to issue a COC. Unless a protester makes a prima facie showing of bad faith or fraud, or demonstrates that information vital to a nonresponsibility determination was not considered, our Office is not empowered to review SBA determinations, to require the SBA to issue a COC, or to reopen a case when a COC has been denied. See Martin Tool and Die, Incorporated, B-208796, January 19, 1983, 83-1 CPD 70, and cases cited. The protester has not shown that any of the above exceptions apply in this case.

In view of the fact that the protest correspondence raises issues which are not reviewable by this Office, no useful purpose would be served in further development of this case pursuant to our Bid Protest Procedures, 4 C.F.R. part 21 (1983).

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Accordingly, we dismiss the protest.

Harry R. Van Cleve
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Acting General Counsel